

2018 Current Fiscal Year Report: Industry Trade Advisory Committee on Energy and Energy Services

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1. Department or Agency

Department of Commerce

2. Fiscal Year

2018

3. Committee or Subcommittee

Industry Trade Advisory Committee on Energy and Energy Services

3b. GSA Committee No.

21409

4. Is this New During Fiscal Year?

No

5. Current Charter

02/14/2018

6. Expected Renewal Date

02/14/2022

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority Statutory (Congress Created)

12. Specific Establishment Authority

P.L. 93-618

13. Effective Date

03/27/1975

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee Other Committee

16a. Total Number of Reports

4

16b. Report Date

Report Title

05/08/2018 Letter of Recommendation on China 301 Proposed Actions

08/02/2018 Letter of Recommendation on China 301 Modified Actions

09/06/2018 Letter of Recommendation on China 301 Proposed/Modified Actions on Energy Sector

09/27/2018 Statutory Advisory Report on The U.S. Trade Agreement with Mexico and Potentially Canada

Number of Committee Reports Listed: 4

17a. Open 0 17b. Closed 9 17c. Partially Closed 0 Other Activities 0 17d. Total 9 Meetings and Dates

Purpose

The Committee members met to be briefed and provide advice on energy discussions for the North America Free Trade Agreement (NAFTA).

The Committee members met to be briefed and provide advice on a potential energy chapter in the North America Free Trade Agreement (NAFTA) renegotiations.

Start

End

10/24/2017 - 10/24/2017

12/05/2017 - 12/05/2017

The Committee members met to be briefed and provide advice on the following issues: energy chapter in the NAFTA renegotiations; the Section 232 Exclusion Process; and the Proposed Determination of Action Pursuant to Section 301-China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation.	05/02/2018 - 05/02/2018
The Committee members met to deliberate on and finalize a pre-decisional draft letter of recommendation on the proposed 301 action on tariff increases for China and the impact on the energy sector. The letter was adopted out of Committee to go forward to the Secretary of Commerce and the United States Trade Representative.	05/08/2018 - 05/08/2018
The Committee members met to deliberate on and finalize a pre-decisional draft letter of recommendation on the proposed list of products imported from China that could be subject to additional 10% tariffs and the impact on the energy sector. The letter was adopted out of Committee to go forward to the Secretary of Commerce and the United States Trade Representative.	08/02/2018 - 08/02/2018
The Committee members met to deliberate on and finalize a pre-decisional draft letter of recommendation on China 301 proposed modified actions and the impact on the energy sector. The members agreed to defer adoption of the letter to the next meeting after further input and edits.	08/29/2018 - 08/29/2018
The Committee members met to deliberate on and finalize a pre-decisional draft letter of recommendation on the proposed China 301 modified actions and the impact on the energy sector. The letter was adopted out of Committee to go forward to the Secretary of Commerce and the United States Trade Representative. The Committee members also deliberated on a pre-decisional draft Advisory Report on The U.S. Trade Agreement with Mexico and Potentially Canada. The members agreed to defer adoption of the Report, after compiling input and edits.	09/06/2018 - 09/06/2018
The Committee members met to deliberate on a pre-decisional draft Advisory Report on The U.S. Trade Agreement with Mexico and Potentially Canada. The members agreed to defer adoption of the Report, after further input and edits.	09/18/2018 - 09/18/2018
The Committee members met to deliberate on and finalize a pre-decisional draft Advisory Report on The U.S. Trade Agreement with Mexico and Potentially Canada. The letter was adopted out of Committee to go forward to the Secretary of Commerce and the United States Trade Representative.	09/27/2018 - 09/27/2018

Number of Committee Meetings Listed: 9

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$42,017.00	\$43,000.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$42,017.00	\$43,000.00
19. Federal Staff Support Years (FTE)	0.25	0.25

20a. How does the Committee accomplish its purpose?

The Committee shall perform such functions and duties and prepare such reports, as may be required by Section 135 of the Trade Act, with respect to the industry trade advisory committees. The Committee advises the Secretary and USTR on trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act. The Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and USTR regarding trade barriers,

negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002, and implementation of existing trade agreements affecting its sector.

20b. How does the Committee balance its membership?

Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, the principal criterion for selection being ability to carry out the objectives of this Committee as set forth in Section 3 of the Charter. Secondary selection criteria are ensuring that the Committee is balanced in terms of points of view, demographics, geography, and company size.

20c. How frequent and relevant are the Committee Meetings?

ITAC 6 meets approximately 4-6 times a year.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

This Committee is essential to carry out the Secretary and USTR's responsibilities under section 135(c)(2) of the 1974 Trade Act, as delegated by E.O. 11846 of March 27, 1975. There is no other Committee that can perform the duties of this Committee.

20e. Why is it necessary to close and/or partially closed committee meetings?

The Industry Trade Advisory Committees were established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA). Subsection 135(f) of the Trade Act provides that the ITACs shall be exempt from the provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously compromise the Government's negotiating objectives or bargaining positions regarding trade policy matters. ITAC meetings routinely involve these kinds of discussions. The United States Trade Representative evaluates each meeting agenda and issues a Notice of Determination when it is necessary to close meetings.

21. Remarks

Subcommittees, or their equivalents, are authorized to be formed under the terms of the Committees' charters, which were issued pursuant to Subsection 135 (f) of the Trade Act of 1974 (Public Law 93-618) as amended, and the Federal Advisory Committee Act (Public Law 92-463). Because subcommittees, or their equivalents, do not report out independently but through the parent Committee, the costs are included under the parent Committee.

Designated Federal Officer

Cora Dickson Designated Federal Officer

Committee Members	Start	End	Occupation	Member Designation
Coleman, Leslie	02/28/2018	02/14/2022	National Mining Association	Representative Member
Dankowski, James	02/28/2018	02/14/2022	Eaton Corporation	Representative Member
Gorman, Ph.D., Gerry	03/13/2014	02/14/2018	LumiSolair LLC	Representative Member
Herzfeld, Shannon	02/28/2018	02/14/2022	Archer Daniels Midland Corporation	Representative Member
Kolmer, John	03/13/2014	02/14/2018	Caterpillar World Trading Corporation/Caterpillar Global Mining	Representative Member
Padilla, Aaron	02/28/2018	02/14/2022	American Petroleum Institute	Representative Member
Sabin, Dixon	02/28/2018	02/14/2022	Halliburton Energy Services, Inc.	Representative Member
Sarnecki, Steven	02/28/2018	02/14/2022	OSIsoft, LLC	Representative Member
Thompson, James	02/28/2018	02/14/2022	Chevron Corporation	Representative Member
Tyran, Barbara	02/28/2018	02/14/2022	Electric Power Research Institute	Representative Member

Number of Committee Members Listed: 10

Narrative Description

Most feedback is rendered orally during meetings. When written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by the Secretary's policy staff and tasked to the appropriate ITA unit to prepare a draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a concurrence process which ensures that the appropriate level Commerce officials are seeing the advice and have a chance to comment. All formal responses must be cleared by the Under Secretary of Commerce for International Trade prior to the Secretary's signature. This ensures that ITAC advice is weighed and considered.

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>

Implementation of laws or regulatory requirements

☐

Other

☐

Outcome Comments

N/A

What are the cost savings associated with this committee?

Checked if Applies

None

☒

Unable to Determine

☐

Under \$100,000

☐

\$100,000 - \$500,000

☐

\$500,001 - \$1,000,000

☐

\$1,000,001 - \$5,000,000

☐

\$5,000,001 - \$10,000,000

☐

Over \$10,000,000

☐

Cost Savings Other

☐

Cost Savings Comments

N/A

What is the approximate Number of recommendations produced by this committee for the life of the committee?

6

Number of Recommendations Comments

On average 2-3 recommendations are made annually. The total number of recommendations is for the 2014-2018 charter term.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

No measureable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade negotiations.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

No measurable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade negotiations.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

Most feedback is rendered orally during meetings; when written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by Secretary's policy staff and tasked to appropriate ITA unit to prepare draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a formal concurrence process which ensures that the appropriate level Commerce officials are seeing the advice and have a chance for comment. The Under Secretary of Commerce for International Trade reviews and clears prior to the Secretary's review and signature, which ensures that ITAC advice is weighed and considered.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input checked="" type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

Action Comments

N/A

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

N/A

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

Access Comments

N/A